

**66. State laws of regulatory or penal character not effective within ceded territory.**—Laws of a regulatory character<sup>22</sup> or those which impose penalties may not be applied within the ceded territory. It was held by the Supreme Court of the United States<sup>23</sup> that the State of Virginia could not inflict a penalty for non-delivery of a telegram to an addressee within the limits of the Norfolk Navy Yard. The Court observed: "It is of the highest public importance that the jurisdiction of the state should be resisted at the borders of those places where the power of exclusive legislation is vested in the Congress by the Constitution \* \* \*. If it is desirable that penalties should be inflicted for a default in the delivery of a telegram occurring within the jurisdiction of the United States, Congress only has power to establish them."

**67. State Workmen's Compensation Laws in Federal Territory.**—An Act of Congress approved February 1, 1928, which is quoted in full elsewhere in this work,<sup>24</sup> provides that actions for death or injury sustained within any national park or other place subject to the exclusive jurisdiction of the United States shall be governed by the law of the State in which such park or other place may be situated. However, it has been held that this act does not adopt the Workman's Compensation Laws of the State, under which the rights of the complainant must be established by an administrative tribunal, but relates only to actions at law<sup>25</sup> which "can at once be taken into any court of general jurisdiction wherever service can be had and there reduced to final judgment."<sup>26</sup> However, by a later act approved June 25, 1936, the full text of which may also be found elsewhere in this work,<sup>27</sup> Congress authorized the application of State workman's compensation laws within "all lands and premises owned or held by the United States of America." This act does not apply to Federal employees who are covered by the provisions of the Federal Employees' Compensation Law,<sup>28</sup> although it was held applicable in the case of an employee of a contractor of the United States engaged in construction work within a United States military post.<sup>29</sup> Neither does it apply to causes of action arising before its passage.<sup>30</sup> It was held not to be "self-executing," but required formal legislative sanction by the State.<sup>31</sup>

<sup>22</sup> *Murray v. Joe Gerrick Co.*, 291 U. S. 315, 54 S. Ct. 432; *Atkinson v. Tax Commission*, 303 U. S. 20, 58 S. Ct. 419; *Collins v. Yosemite Park Co.*, 304 U. S., 518; *Stewart & Co. v. Sadrakula*, 309 U. S. 94.

<sup>23</sup> *Western Union v. Chiles*, 214 U. S. 274, 29 S. Ct. 613.

<sup>24</sup> See Appendix I.

<sup>25</sup> *Murray v. Joe Gerrick Co.*, 291 U. S. 315, 54 S. Ct. 432; *State v. Rainier National Park Co.*, 74 P. (2) 464.

<sup>26</sup> *Employers Liability Assur. Corp. v. Dileo*, 10 N. E. (2) 251.

<sup>27</sup> See Appendix I.

<sup>28</sup> *Breeding v. Tenn. Valley Authority*, 9 So. (2) 6; *Posey v. Tenn. Valley Authority*, 93 Fed. (2) 727.

<sup>29</sup> *Young v. G. L. Tarlton*, 162 S. W. (2) 477.

<sup>30</sup> *Employers Liability Assur. Corp. v. Dileo*, 10 N. E. (2) 253.

<sup>31</sup> *State v. Rainier Natl. Park Co.*, 74 Fed. (2) 464.